

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

BOBBY DEAN BRIGHT,	§	
	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO. C-06-260
	§	
NATHANIEL QUARTERMAN,	§	
	§	
Respondent.	§	

**MEMORANDUM OPINION AND ORDER STRIKING PETITIONER'S FIRST
INTERROGATORIES, DENYING WITHOUT PREJUDICE MOTIONS FOR
PRODUCTION OF DOCUMENTS AND FOR ITEMS TO BE USED IN TRIAL, AND
DENYING AS MOOT MOTION FOR A COURT REPORTER**

Petitioner filed this petition pursuant to 28 U.S.C. § 2254, challenging prison disciplinary action taken against him by officials at the McConnell Unit in Beeville, Texas. Petitioner has submitted proposed interrogatories, and moved for production of documents (D.E. 8), for items to be used at trial (D.E. 9), and for a court reporter (D.E. 13).

Petitioner's motion for production of documents (D.E. 8) is denied without prejudice, and the Clerk shall strike petitioner's interrogatories (D.E. 7) from the record. In habeas cases, discovery is not permitted without leave of court. Rule 6(a), Rules Governing Section 2254 Cases. Petitioner failed to seek leave of court before filing his interrogatories and filing his motion for production of documents. Even if he had, his request would have been denied as premature. An order for service of process was entered on July 6, 2006 (D.E. 6), and respondent was ordered to provide copies of relevant documents in his responsive pleading. If petitioner requires additional information after respondent's answer is filed, petitioner may seek leave of court to conduct additional discovery, providing reasons for his request as required by the rule.

Petitioner's motion for items to be used at trial (D.E. 9) is denied as premature. There are no trials in habeas cases. At most an evidentiary hearing may be required. No decision has been made at this stage of the case whether an evidentiary hearing is necessary. No decision will be made until respondent files a responsive pleading and petitioner has an opportunity to respond to it. Petitioner may re-file his motion at a later time if an evidentiary hearing is scheduled.

Petitioner's motion for a court reporter (D.E. 13) is denied as moot. All hearings are electronically recorded, and transcripts can be ordered when necessary.

ORDERED this 19th day of July, 2006.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE